THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.Nos.22626 and 28173 of 2007

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Between:

Goluguri Suryanarayana Reddy and others.

.. PETITIONERS

and

The Government of A.P. and others.

.. RESPONDENTS

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COMMON ORDER:

Since similar question that arises for consideration in these writ petitions, the same are taken up together for disposal by way of common order.

It is the case of the petitioners that the lands in their occupation were originally leased out and after expiry of the lease period, for removal of the encroachment, notices under Section 7 of A.P.Land Encroachment Act, 1905 (for short "the Act"), were served on the petitioners on 07-10-2007 asking them to submit explanations on 08-10-2007, without giving reasonable time of 15 days to submit explanations. Thereafter, final notices under Section 6 of the Act have been issued on 09-10-2007 calling upon the petitioners to vacate the encroached land within seven days. Aggrieved by the same, these writ petitions have been filed.

In W.P.No.22626 of 2007, on 25-10-2007, while issuing notice before admission, directed to maintain status-quo. Thereafter, W.P.No.28173 of 2007 has been filed.

Admittedly, it appears that reasonable opportunity has not been given to the petitioners to submit explanations. But, however, as against the orders passed under Section 6 of the Act, the petitioners have got an effective alternative remedy by way of filing appeals under Section 10 of the Act.

Having regard to the facts and circumstances of the case, the writ petitions are disposed of permitting the petitioners to file appeals against the notices issued under Section 6 of the Act, within ten days from today. If any such appeals are filed within ten days from today, status-quo obtaining as on today with regard to the possession of the lands in question shall be maintained, pending disposal of the appeals. There shall be no order as to costs.

28-12-2007

Note:
Issue C.C. in three days
(B/o)
Prv